

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.850 & 855 of 2019

1. Koneru Pavithra (Petitioner in WP.No.850 of 2019)
2. S.Lakshmi Sumani (Petitioner in WP.No.855 of 2019)

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Superintending Engineer,
CEDC/South - II,
Anna Main Road,
S.S.Complex,
K.K.Nagar,
Chennai - 600 078.Respondents
(in both writ petitions)

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation dated 06.11.2017.

For Petitioner : Mr.P.Srinivas

For Respondents : M/s.R.Janaki,
Additional Government Pleader
for R1.

Mr.Abdul Saleem
for R2.

(in both writ petitions)

COMMON ORDER

The relief sought for in the present writ petition is for a direction to direct the first respondent to consider all these orders on the representation dated 06.11.2017.

2. The grievances of the writ petitioner is that two numbers of High Tension Electricity Towers were erected in the lands of the writ petitioner without any information or permission. The said towers are fully vested with the lands belongs to the writ petitioner and the lands are passing right through the middle of the lands and thereby causing damage to the properties belongs to the writ petitioner.

3. The respondents are directed to get instructions from Mr. Abdul Saleem, learned counsel for the respondent No.2. On instructions, the respondents made a submission that undoubtedly, The electric wires are passing through the middle of the land and there is no erection of High Tension Electricity Tower in the properties belongs to the writ petitioner. No tower has been erected in the lands/properties belongs to the writ petitioner and therefore, question of payment of damages with reference to the Indian Telegraphic Act does not arise at all. In the event of erection of any tower in the property belongs to the writ petitioners, they may be entitled to claim compensation, in view of the fact that no tower has been erected in the properties of the writ petitioners is not entitled to claim any compensation. Mere passing through of the over head line will not provide any right for the writ petitioner to claim compensation with reference to the provisions of the Indian Telegraph Act.

4. However, the learned counsel for the writ petitioner states that the erection of tower is causing some damage to the property. In such an event, the writ petitioner shall approach the District Collector / District Magistrate for the purpose of redressing their grievances for claiming damages. In this regard, the writ petitioner has already submitted a representation to the District Collector on 06.11.2017. Thus, without going into the merits of the matter, the first respondent District Collector is directed to consider the representation submitted by the writ petitioner on 06.11.2017 and pass orders on merits and with reference to the provisions of the Statute, within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly, the writ petitions stands disposed of. No Costs.

Pkn/kmm

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

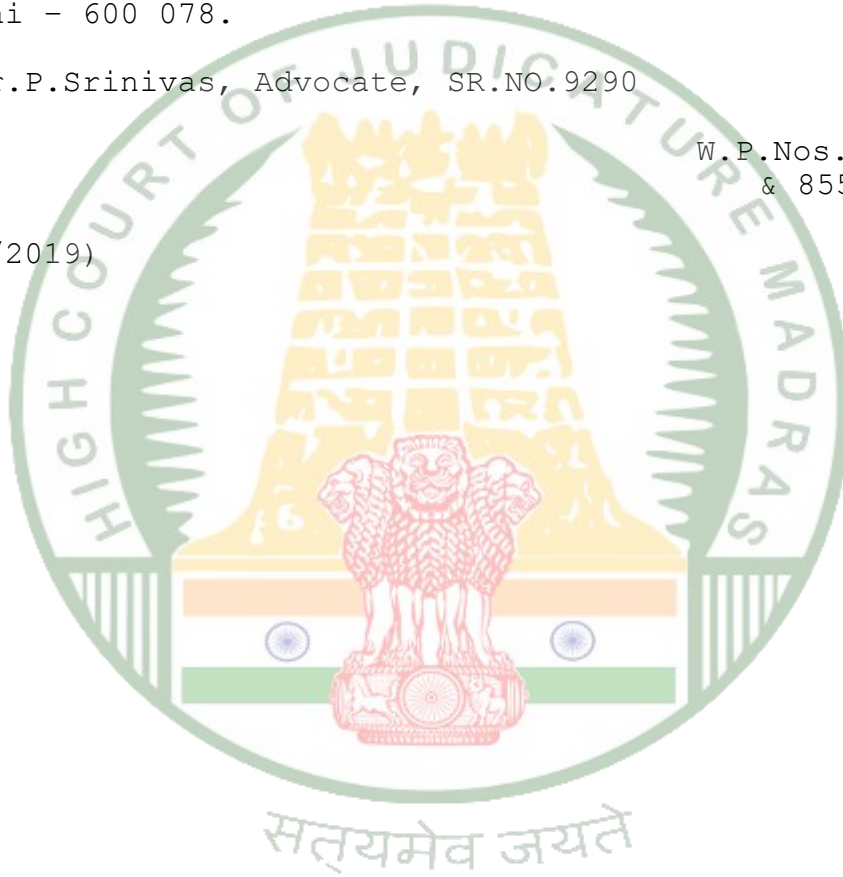
To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Superintending Engineer,
CEDC/South - II,
Anna Main Road,
S.S.Complex,
K.K.Nagar,
Chennai - 600 078.

+1cc to Mr.P.Srinivas, Advocate, SR.NO.9290

W.P.Nos.850 of 2019
& 855 of 2019

rk(CO)
kak(28/02/2019)



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